IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 29256 of 2007(G)

PETITIONER:

SMT.BULKEES,
W/O.ABOOBACKAR, KARIYANICKAL HOUSE,
MAMKUZHI, UDUMBANNOOR, THODUPUZHA.

BY ADV. SRI.RAJU JOSEPH

RESPONDENTS:

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1. THE UDUMBANNOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
UDUMBANNOOR P.O., THODUPUZHA,
IDUKKI (DT.).

2. THE SECRETARY,
UDUMBANNOOR GRAMA PANCHAYAT,
UDUMBANNOOR P.O., THODUPUZHA,
IDUKKI (DIST).

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.29256 OF 2007

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DATED THIS THE 7TH NOVEMBER, 2007

J U D G M E N T

The grievance of the petitioner is that though she was found eligible for payment of benefits under the Ashraya Project on the basis of the recommendation of the Grama Sabha and out of the total amount of Rs.50,000/- a sum of Rs.35,000/- was payable by the Panchayat in three instalments, the Panchayat has not yet released the last instalment of Rs.10,000/-. The house is completely constructed, according to the petitioner. The non-release of the last instalment was on account of a frivolous complaint, it is alleged. The Panchayat enquired into the complaint through the Village Extension Officer and also by the Co-ordinator. Ext.P8 is the report submitted by the Village Extension Officer. Ext.R1(b) is the report submitted by the Co-ordinator. The Village Extension Officer has reported that five difficulty factors and three other factors were satisfied by the petitioner which made her eligible for the benefit. Striking a different note, the Co-ordinator reports that the petitioner should have satisfied seven difficulty factors. But Ext.P11 produced along with the reply affidavit will show that only two of the beneficiaries in the entire list satisfied more than five difficulty factors. Majority of them satisfied only five

difficulty factors or less. Even otherwise, at this stage, when the building has been completely constructed and the Panchayat has released the first two instalments of the benefit to the petitioner and only Rs.10,000/- remains payable, it is not in the interest of anybody to withhold payment of the last instalment. Of course, the complainant has not been made a party to this Writ Petition. But in the wake of the detailed report submitted by the Village Extension Officer and the Co-ordinator, obtained on the basis of the enquiry conducted by the Panchayat, the non-impleadment of the complainant need not stand in the way of relief being given to the petitioner.

The Writ Petition will stand allowed and the respondents are directed to release to the petitioner the last instalment of Rs.10,000/- payable to her under the Ashraya Project at the earliest and at any rate within two weeks of receiving copy of this judgment. After releasing payment, the persons who filed complaint against the extension of the benefit to the petitioner should be informed of the same. If they continue to feel aggrieved, they are free to approach a competent civil court voicing their grievances.

(PIUS C.KURIAKOSE, JUDGE)

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